

REMARKS

Claims 2, 8-13, 16, 17, 23-28 and 34-40 are all the claims pending in the present application.

In summary, Applicants thank the Examiner for withdrawing the rejections of claims 11, 26, and 37. These claims are indicated as containing allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner has maintained the same prior art rejections of claims 2, 8-10, 12, 13, 16, 17, 23-25, 27, 28 and 34-36, 38-40 as set forth in the previous Office Action. Specifically, claims 2, 8-10, 12, 13, 16, 17, 23-25, 27, 28 and 34-36, and 38-40 remain rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Landais (U.S. Patent Application Publication No. 2002/0080758).

A brief description of Landais follows.

Landais is directed to a method of reporting radio access capacity information from a mobile station to a mobile radio network in packet mode, wherein the network determines, from mobile station identity information communicated to it, if it already holds radio access capacity information relating to the mobile station, and if it does not already hold such information, it requests the mobile station to communicate the information to it. *See Abstract of Landais.*

With respect to independent claims 2, 16, and 17, Applicants previously argued that these claims are patentable over Landais based on the reasons set forth in the Amendment dated August 27, 2008. With respect to claim 2, for example, Applicants argued that Landais does not disclose or suggest that a mobile station uses, in accordance with its requirements, one of different types of packet mode resource requests corresponding to different transfer modes that

the mobile station supports, said different transfer modes including the GPRS and the EGPRS modes. *See pages 8-9 of Amendment dated August 27, 2008.* In response, the Examiner substantially maintains his previous arguments in the *Response to Arguments* section of the current Office Action.

Applicants maintain the previously submitted arguments and submit the following arguments in support of patentability of the claimed invention.

Applicants submit that Landais does not disclose or suggest at least the following features of claim 2:

(1) said mobile station using, in accordance with its requirements, one of different types of packet mode resource requests, corresponding to different transfer modes that it supports, said different transfer modes including the GPRS (General Packet Radio Service) and EGPRS (Enhanced General Packet Radio Service) modes,

(2) for the requirements of signaling data transfer, said mobile station using a type of packet mode resource request corresponding to EGPRS mode, including cause data specifying signaling data transfer requirements.

With respect to feature (1), Landais does not describe or suggest any “packet mode resource request corresponding to EGPRS”, or in other words Landais does not describe or suggest an EGPRS PACKET CHANNEL REQUEST. Even though Landais mentions EGPRS at section 0029, Landais only discusses the GPRS PACKET CHANNEL REQUEST (not the EGPRS PACKET CHANNEL REQUEST).

With respect to feature (2), Landais does not at all describe or suggest a mobile station having signaling data transfer requirements/needs. Landais only discloses a mobile station having user data transfer requirements/needs.

Indeed, Landais only discloses a mobile station sending a Packet Channel Request in the case of one-phase access or two-phase access, and, as well known to the skilled person, these two cases, by definition, are not used for signaling data transfer needs, but for user data transfer needs.

In addition, the Examiner refers to Landais disclosing, in the case of a two-phase access, a packet resource request containing a precise description of the required resources. However, this is no more relevant as such precise description of required resources is only defined for user data transfer needs, not for signaling data transfer needs. Therefore Landais does not describe or suggest a mobile station requesting resources for signaling data transfer requirements/needs; and does not describe or suggest which type of request it should use when it has signaling data transfer requirements/needs. At least based on the foregoing, Landais does not (and cannot) disclose or suggest the above-discussed feature (2).

At least based on the foregoing reasons, it should be considered that Landais does not disclose or suggest each and every feature of method claim 2, and does not disclose or suggest each and every feature of claims 16 and 17 for similar reasons.

Applicants submit that dependent claims 8-10, 12, 13, 23-25, 27, 28 and 34-36, and 38-40 are patentable at least by virtue of their respective dependencies from independent claims 2, 16, and 17.

Further, with respect to claims 9, 24, and 35, Applicants previously argued that Landais does not disclose or suggest at least, “wherein said signaling messages include a cell update message sent in the event of cell reselection during a current user data transfer,” as recited in claim 9 and similarly recited in claims 24 and 35. *See page 10 of August 27 Amendment.* In the present Office Action, the Examiner maintains the exact same rationale as set forth in the

previous Office Action for rejecting claims 9, 24, and 35, and does not even respond to the specific points made in the August 27 Amendment with respect to claims 9, 24, and 35.

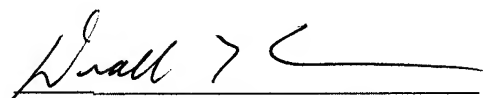
Accordingly, Applicants maintain the previously submitted arguments with respect to claims 9, 24, and 35.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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